

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### IMPROVED TOOTH WHITENING COMPOSITIONS

the specification of which is attached hereto unless the following space is checked:

\_\_\_\_\_ was filed on \_\_\_\_\_ as United States Application Serial Number or PCT International Application Number \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s): N/A

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Priority Not Claimed</u>
1.			<input type="checkbox"/>
2.			<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

<u>Application Number</u>	<u>Filing Date</u>
1. 60/066,187	November 19, 1997

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application. N/A

<u>Application Number</u>	<u>Filing Date</u>	<u>Status — patented, pending, abandoned</u>
1.		
2.		

I hereby appoint the following attorneys and agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

<u>John P. Iwanicki</u>	Reg. No. 34,628	Charles F. Pigott	Reg. No. 19,408
Mark T. Banner	Reg. No. 29,888	Thomas K. Pratt	Reg. No. 37,210
James V. Callahan	Reg. No. 20,095	Christopher J. Renk	Reg. No. 33,761
Gregory J. Cohan	Reg. No. 40,959	Robert H. Resis	Reg. No. 32,168
Marc S. Cooperman	Reg. No. 34,143	Michael H. Shanahan	Reg. No. 24,438
Laura J. DeMoore	Reg. No. 39,654	Charles W. Shifley	Reg. No. 28,042
W. Dennis Drehkoff	Reg. No. 27,193	J. Pieter van Es	Reg. No. 37,746
Dale A. Malone	Reg. No. 32,155	Kathleen M. Williams	Reg. No. 34,380
Peter D. McDermott	Reg. No. 29,411	Sheldon W. Witcoff	Reg. No. 17,399
Jon O. Nelson	Reg. No. 24,566		

as my Attorneys.

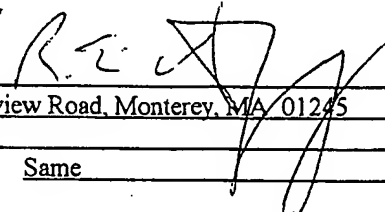
Address all telephone calls to John P. Iwanicki at (617) 227-7111.

Address all correspondence to John P. Iwanicki, BANNER & WITCOFF, LTD., 28 State Street, 28th Floor, Boston, Massachusetts 02109.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor (given name, family name):

**R. Eric Montgomery**

Inventor's signature: 

Date: 11-19-98

Residence: 29 Fairview Road, Monterey, MA 01245

Citizenship: USA

Post Office Address: Same

**REVOCATION OF POWER OF ATTORNEY  
AND APPOINTMENT OF NEW POWER OF ATTORNEY**

I hereby revoke all previous powers of attorney given in the issued patents and patent applications identified in Schedule A attached hereto.

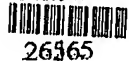
I hereby appoint practitioners of Mayer, Brown, Rowe & Maw LLP to maintain these patents and prosecute these patent applications and transact all business in the Patent and Trademark Office connected therewith, associated with the following CUSTOMER NUMBER:

  
26565

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**SEND CORRESPONDENCE TO:**

Christine M. Rebman



**DIRECT TELEPHONE CALLS TO:**

Christine M. Rebman

Telephone Number: 312/701-7174

Mayer, Brown, Rowe & Maw LLP  
P.O. Box 2828  
Chicago, IL 60690-2828  
USA

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**STATEMENT UNDER 37 CFR 3.73(b)**

BriteSmile Development, Inc. is the assignee of the entire right, title, and interest to the patents and patent applications listed in Schedule A. Enclosed is an assignment to BriteSmile Development, Inc. for the patents and patent applications identified in Schedule A.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

11/4/03  
Date

Nhat Ngo

Chief Operating Officer  
Name and Title

Nhat H. Ngo  
Signature

SCHEDULE A

Patent/Publication No.	Application No.	Filed	Title
	09/253,240	02/19/99	Anti-Microbial Denture Adhesive Composition
U.S. Patent No. 5,908,614	08/698,474	08/15/96	Peroxidase-Activating Oral Compositions
U.S. Patent No. 6,576,227	09/237,191	01/26/99	Peroxidase-Activating Oral Compositions
	10/456,205	06/06/03	Peroxidase-Activating Oral Compositions
U.S. 6,221,341	09/196,403	11/19/98	Tooth Whitening Compositions
US 20010021374	09/840,844	04/24/01	Tooth Whitening Compositions
U.S. 6,348,518	09/208,969	12/10/98	Compositions for making an artificial prosthesis
U.S. 6,472,453	10/033,077	11/01/00	Compositions for making an artificial prosthesis
U.S. 20020137728	10/056,296	01/24/02	Topical Oral Care Compositions